



Response Under 37 C.F.R. § 1.116
Expedited Procedure
Examining Group 1700

PATENT
ATTORNEY DOCKET NO.: 045070-5036

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	Confirmation No.: 9270
Yuji IMAIZUMI et al.)	
)	Group Art Unit: 1744
Application No.: 10/671,721)	
)	Examiner: W. Beisner
Filed: September 29, 2003)	
)	
For: APPARATUS AND METHOD FOR)	Mail Stop AF
MEASURING INTRACELLULAR)	
REACTIONS)	

Sir:

REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.116

TRANSMITTAL FORM

1. Transmitted herewith is a Request for Reconsideration under 37 C.F.R. § 1.116 responding to the Final Office Action dated May 15, 2007.
2. Additional papers enclosed:

- | | |
|--------------------------|--|
| <input type="checkbox"/> | Drawings: <input type="checkbox"/> Formal <input type="checkbox"/> Informal (Correction) |
| <input type="checkbox"/> | Information Disclosure Statement |
| <input type="checkbox"/> | Form PTO-1449, _____ references included |
| <input type="checkbox"/> | Citations |
| <input type="checkbox"/> | Declaration of Biological Deposit |
| <input type="checkbox"/> | Others |

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☒ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.

☐ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00

Extension of time fee due with this request: \$0.00.

If an additional extension of time is required, please consider this a Petition therefor.

☐ An extension for _____ months has already been secured and the fee paid therefor of \$____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	11	minus	39	0	x \$50 each=	+ \$
Independent Claims (37 C.F.R. §1.16(b))	2	minus	7	0	x \$200 each=	+ \$
[] First presentation of Multiple dependent claim(s)					\$360.00	+ \$
SUB-TOTAL =						\$
Reduction by ½ for filing by a small entity						- \$
TOTAL FEE =						\$ 0.00

6. Fee Payment

- ☒ No fee is to be paid at this time.
- ☐ The Commissioner is hereby authorized to charge **\$0.00** to Deposit Account No. 50-0310.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLPBy: Sumiyo Onda
Reg. No. L0289Dated: August 15, 2007

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The Commissioner of Patents
U.S. Patent and Trademark Office
Mail Stop AF
Alexandria, VA 22314

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REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.116

In response to the Final Office Action dated May 15, 2007 (Paper No. 20070513), the period for reply extends through August 15, 2007, entry of the following remarks is respectfully requested to place the application in clear condition for allowance or, alternatively, in better form for appeal: